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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,469	09/08/2003	Fred S. Cook	1387A	9818

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EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/657,469

Applicant(s)

COOK, FRED S.

Examiner

SIMON D. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes et al. (6,016,476).

Regarding claim 1, Maes discloses a mobile PDA or a wireless phone performing consumer transactions (fig. 1, abstract, column 13 lines 39-50, column 14 line 5), comprising: a memory (14, 32) for storing a plurality of account codes (column 2 lines 26, 64); a display (34) for displaying prompts inputting data associated with the operations or functions of the PDA device including a user speech sample (column 5 lines 1-24, 36-67, column 9 lines 27-35, column 9 lines 65-7, column 10 lines 43-48); a microphone (18); a wireless interface (34) for transferring the user speech sample for verification and the account (column 5 lines 1-24, 54-67, column 7 lines 25-55, column 8 lines 50-65, column 14 lines 11-30) and receiving a transaction code (column 13 line 57, column 14 line 62), purchase price (column 14 lines 30 and 52, column 15 line 11-20); a control circuitry (12) for controlling the user interface, display, speech sample module, memory in order to execute the transaction with a server (column 12 lines 40-67); and wherein the PDA wirelessly communicates with local area network which is a public

wireless network (column 7 line 57 to column 8 line 2, column 2 lines 58, column 14 lines 1-16). It should be noted that a keypad used for selecting or operating is inherently in a PDA, wherein the keypad having a plurality of keys obviously used for selecting account codes and voice transaction. However, Maes does not specifically disclose a product ID and a data for the transaction.

The examiner takes an official notice that for any purchase-product transaction, the product identification and a date of purchase are obviously included in the transaction, which is known to those skilled in the art in order to keep track of the purchase.

Regarding claims 2-3, these claims are rejected for the same reason as set forth in claim 1.

Response to Arguments

3. Applicant's arguments filed 8/2/06 have been fully considered but they are not persuasive. The arguments: a) Maes does not suggest or teach transferring a user speech sample to voice-authenticate for a transaction; and b) Maes does not appear to teach or suggest that the PDA 10 is a wireless telephone configured to communicate over a public wireless communication network.

The cited art issued to Maes, Maes suggested that::

a) the voice biometric verification used to initiate a consumer transaction, if it is valid, the purchase transaction is performed accordingly, wherein the voice verification performed by the server, which compares a user voice with a stored voice sample for

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the transaction (column 5 lines 54-67, column 7 lines 25-55, column 8 lines 50-65, column 14 lines 11-30). Therefore, Maes suggested that the user voice sample used for the transaction's verification.

b) the communication between the PDA 10 and the central server 60 maybe established through wireless communication via the RF port 50 (column 8 lines 1-8); or the PDA 10 may be built into a cellular phone, whereby communication with the server may be achieved through a cellular communication channel via the CDMA, GSM, etc. (column 14 lines 1-16). Therefore, Maes suggested that the PDA wirelessly communicates with the server via a public wireless communication system.

In conclusion, the rejections of claims 1-3 based on Maes stand.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

600 Dulany, Alexandria, VA 22314

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

January 3, 2007



SIMON NGUYEN
PRIMARY EXAMINER